

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

CHUNGA HAKI MATATA

a/k/a "K-9"

Date of Original Judgment: March 27, 1997

Date of Last Amended Judgment: April 7, 2009

Case No: 4:94CR44-12

USM No: 10729-058

Ross Richardson

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ **is reduced to** _____

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Original Offense Level: 36

Amended Offense Level: 34

Criminal History Category: VI

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Original Guideline Range: 324 to 405 months

Amended Guideline Range: 262 to 327 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.
- ☒ Other (explain): Pursuant to Amendment 706, Defendant's Total Offense Level was amended to 34 and his guideline range was amended to 262 to 327 months. The application of Amendment 750 provides no change in this guideline calculations. Therefore, Defendant is ineligible for a reduction in his sentence. USSG §1B1.10(a)(1) and 18 USC §3582.

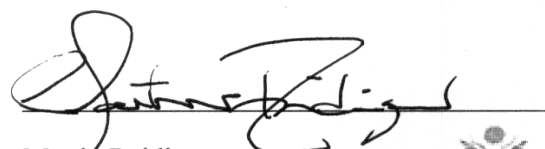
III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated March 27, 1997, shall remain in effect.

IT IS SO ORDERED.

Order Date: June 6, 2012

Effective Date: _____
(if different from order date)


Martin Reidinger
United States District Judge

